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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Appellant,

v.

ALEXIS ALEJANDRO FUENTES,

Defendant and Respondent.

G048563

(Super. Ct. No. 13NF0928)

O P I N I O N

Appeal from an order of the Superior Court of Orange County,  
Nicholas S. Thompson, Judge. Affirmed.

Tony Rackauckas, District Attorney, and David R. Gallivan, Deputy  
District Attorney, for Plaintiff and Appellant.

Frank Ospino, Public Defender, Jean Wilkinson, Chief Deputy Public  
Defender, Mark S. Brown, Assistant Public Defender, and Miles David Jessup, Deputy  
Public Defender, for Defendant and Respondent.

\* \* \*

## OPINION ON REMAND

A panel of this court issued an opinion affirming the trial court's order dismissing an enhancement alleged under Penal Code section 186.22, subdivision (b) against defendant Alexis Alejandro Fuentes. (*People v. Fuentes* (Apr. 30, 2014, G048563) [nonpub. opn.], review granted Aug. 13, 2014, S210109.) The trial court had ordered the enhancement dismissed pursuant to Penal Code section 1385, subdivision (a). The opinion remanded to give the trial court the opportunity to state its reasons for dismissing the enhancement allegation in a written order entered upon the minutes. (*People v. Fuentes, supra*, G048563.)

The California Supreme Court granted review. In its opinion in this matter, *People v. Fuentes* (2016) 1 Cal.5th 218, 231-232, the Supreme Court concluded: "As noted, the Court of Appeal concluded that the trial court had discretion to dismiss the gang enhancement allegation under [Penal Code] section 1385[, subdivision ](a), but remanded the matter to allow the trial court to provide written reasons for the dismissal in the court's minutes. Though we affirm the Court of Appeal's judgment, we conclude that remand to the trial court is unnecessary. . . . The current version of section 1385(a) does not require a trial court to place its reasons in an order entered upon the minutes at the time of sentencing, unless a party so requests or if the proceeding is unrecorded or unreported. [Citation.] Because the trial court orally stated its reasons for dismissing the gang enhancement on the record, which was transcribed, and no party requested that the reasons be placed in the minutes, remand is not required. [Citation.] [¶] We affirm the Court of Appeal's judgment and remand the matter with directions to affirm the trial court's judgment."

In accordance with the directions from the California Supreme Court, we affirm the trial court's judgment.

FYBEL, J.

WE CONCUR:

O'LEARY, P. J.

IKOLA, J.